

**IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**THOMAS C. WELLER,**

**Plaintiff,**

**vs.**

**VAN P. FINGER,**

**Defendant.**

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**Civil Action No. 08-0240-CG-C**

**ORDER**

The above-styled action came on for trial by jury on December 9, 10 and 11, 2009, before Chief United States District Judge Callie V. S. Granade. The jury was selected, but not sworn, on December 1, 2009, before United States Magistrate Judge Katherine P. Nelson.

On December 9, 2009, the court held an in-camera hearing with counsel, at which the court **GRANTED** the plaintiff's motions in limine (Docs. 103, 105, 107), and **GRANTED IN PART** plaintiff's motion in limine to exclude hearsay testimony concerning alleged specific instances of misconduct (Doc. 109). The jury was then duly sworn, and trial commenced. Plaintiff presented his case-in-chief on December 9, 10, and 11, 2009, and rested.

On December 11, 2009, the defendant filed a motion for judgment as a matter of law at the conclusion of the plaintiff's case, which was **DENIED** because the court found that there was sufficient evidence to go to the jury. The defendant did not present any further evidence, and rested. At the conclusion of all the evidence the defendant filed a motion for judgment as a matter of law (Doc. 147), and such motion was **DENIED**. The court then held a charge conference with counsel, the respective parties presented their closing arguments to the jury, the court charged the jury on the applicable law, and the jury commenced their deliberations.

Now, on the 11<sup>th</sup> day of December, 2009, comes the jury who having heard the evidence, the arguments of counsel, the charge of the court and having considered the same upon their oaths, return their verdict (a copy of which is attached hereto) into open court with counsel present.

Post trial motions are to be filed **no later than December 31, 2009**. Any responses shall be filed **no later than January 14, 2010**.

The jury having found that the plaintiff is entitled to recovery of his attorney's fees and expenses from the defendant in an amount to be determined by the court, the plaintiff shall submit his affidavit of attorney's fees and expenses to the court **no later than December 31, 2009**. The defendant may file a response, if any, **no later than January 14, 2010**.

By separate document, the court will enter judgment in accordance the verdict of the jury.

**DONE and ORDERED** this the 14<sup>th</sup> day of December, 2009.

/s/ Callie V. S. Granade

CHIEF UNITED STATES DISTRICT JUDGE